



TARIK B. SUGARMON - Judge
Municipal Court - Division II

TENNESSEE

To: Memphis Charter Commission Members
From: Judge Tarik B. Sugarmon
Date: 02/21/2008
Subject: Suggestion for Charter Changes to restructure City Court

Attached please find a copy of a summary I prepared for a panel tasked with looking at ways we might improve the function and service of our Municipal Courts. In January of this year during a presentation to the freshmen members of the Memphis City Council, Council-woman Janis Fullilove asked if I had any ideas for improving the Courts function. I advised that I had prepared this report and would be glad to provide a copy to the Commission.

Though these are my impressions and recommendations and are clearly not exhaustive, I hope they provide a frame work for improving the function and service of the Courts to the citizens of Memphis.



TENNESSEE

TARIK B. SUGARMON - Judge
Municipal Court - Division II

CORRECTED COPY

To: Robert Lipscomb, Director of Housing & Community Development
Keith McGee, Chief Administrative Officer, City of Memphis

From: Tarik B. Sugarmon, Administrative Judge

Date: September 11, 2007

Re: City Court Reorganization

Enclosed please find some recommendations for restructuring and improving the operations of the City Courts. Though obviously not comprehensive I hope it provides a framework for dialogue and renew our efforts to improve our Municipal Court System.

Once all have had an opportunity to review these plans and offer other suggestions we should try to meet, perhaps mid to late October.

Thank you.

cc: Willie W. Herenton, Mayor
Darryl Anderson, Director of Information Systems
Larry Godwin, Director of Police Services
Elbert Jefferson, Esq., City Attorney
Teresa Jones, Esq., City Prosecutor
Thomas Long, City Court Clerk
Roland McElrath, Director of Finance

MUNICIPAL COURT REORGANIZATION PROPOSAL

INTRODUCTION

In early 2006 the City Court Judges, Clerk of the Courts and several key administrative officials undertook an appraisal of the existing Court system. We looked at the Courts functions, efficiency of service and disposition of cases, method of collection, enforcement of judgments, and ways to improve the Courts service to the Memphis community. In doing so, we looked at other Municipal Courts of comparable jurisdiction and demographic size to compare various systems such as docketing, collection and extension policies, court security, information systems, and traffic flow through Courtrooms to name a few areas of investigation.

Though this is an ad hoc effort and no "final report" is expected I did want to express my observations and recommendations on Court structure.

Though this is only a rough outline, hopefully it will renew dialogue toward recommendations to the Charter Commission for a restructuring of the Municipal Courts.

HISTORY

The current Municipal Court system was established by Ordinance No. 1852 (home rule amendment) and went into effect January 1, 1968, with the adoption of the Charter for the City of Memphis *Article 35 City Court* addressed the Courts structure, jurisdiction, qualifications, number of Courts, terms, salary, etc. Since 1968, there have been very few substantial changes to the structure and function of the courts. However, three areas of change now deserve examination in order to create a court system to meet the needs today and into the future.

1. There was a significant jurisdictional shift when the City adopted home rule. Prior to home rule, the City enforced not only municipal ordinance violations but also "small offense law, of all persons charged with offenses against the state, committed in the city." This jurisdiction was unchanged by home rule and misdemeanor enforcement was concurrent with the General Sessions Criminal Courts of Shelby County. In 1980, however, the City chose not to maintain a City Jail and enforcement of the state misdemeanor violations became impractical. Additionally, it was not financially viable since the City would be required to pay a per diem to Shelby County for incarceration in the County Jail. As a result, City Courts no longer handle the enforcement of State misdemeanor violations.
2. Since the restructure of the City Court in 1980, the number of Courts has remained at three, each holding two sessions five days a week. During this same time, the City population and boundaries have grown significantly, primarily due to annexation. This has caused the average docket sizes to increase from under 100 per session to averages in excess of 600, with peaks in excess of 1200 per

session. The result has been long lines and poor case flow due to a funneling effect in a building handling the traffic of 19 other Criminal Courts.

3. In addition to the defacto jurisdictional limitations of the 1980 restructuring, the Courts jurisdiction has been further limited this year by the amendment of Tennessee Code Annotated Section 16-18-302. The Tennessee Municipal Courts only have jurisdiction over municipal law, and ordinances that duplicate the language in state class C misdemeanors and certain state traffic offenses. No other concurrent misdemeanor enforcement exists with General Sessions Courts. The statute also codifies a maximum penalty per offense of fifty dollars.

ISSUES

1. Has the Court adapted to meet the service requirements of the City of Memphis?
 - a. If not, how might they Courts be changed to best serve the City's needs?
2. Would a decentralized Court system better serve the expanded city demography?
3. Is the current number of City Judges sufficient to service the increased volume?
 - a. Would a Judge supplemented by Judicial Magistrate format meet these needs?
 - b. Would part-time Judges better service the City's needs?

DISCUSSION

Since the Charter changes in 1980, there have been no additional Courts added to meet the enforcement needs of the City of Memphis. During this same time period, there has been an increase in population of about 300,000, due in large part to annexation. The number of citations handled by these increases is over five times those of 1980. It would be hard to argue that the Courts have grown to service its constituent's needs.

Simply increasing the number of sessions or adding night sessions would do little to diffuse the volumes being handled by just three divisions. Additionally, there would be no relief to customer's inconvenienced by not only the long waits but also geographic distance to the Courts.

That being said, a decentralized Court system with ancillary locations southeast and north, would significantly increase convenience to residents in the north, east and south sectors of the city. Court service could easily be established in an existing police precinct or community center, with the administrative offices remaining at the downtown court location.

The session hours of these ancillary locations could also be staggered from those downtown, i.e. 12:00 noon and 7:00 p.m. to further increase the convenience to working people.

The question then turns to whether adding judicial magistrates would meet the staffing needs of these ancillary courts. Magistrates are officers of the courts empowered by the Judge(s) to find fact and issue rulings. However, in the event of an adverse ruling a citizen can then request a hearing before the Judge elected to that court. City Court hearings are not hearings of record, and appeals are directly to the Circuit Court, a Court of record, for a trial de novo.

Adding magistrates would, in my opinion, add another unnecessary layer of review and delay to the process.

The ancillary courts should therefore be served by persons with full judicial authority, and elected to those positions. The Municipal Court system selected for study was in Atlanta, GA. The Atlanta Courts while having some full time Judges (who handle non-traffic matters) primarily functions with part time judges.

Of the 250 Municipal Court Judges in the State of Tennessee, only five are full time Judges. The only municipal systems still employing full time judges in Tennessee are Memphis and Chattanooga Nashville Metro Government has 10 full time Judges, but they have General Sessions' jurisdiction.

If Memphis converts to part time judgeships, it could employ approximately five part time Judges for about the same annual cost of three full time positions.

These five part time judicial positions could be rotated through three court locations, potentially with two divisions at the downtown location. The two downtown divisions would conduct sessions Monday through Friday at 9:00 am. and 1:30 p.m. The southeast and north courts would only hold sessions two or three days a week i.e., Monday and Wednesday at one location, Tuesday and Thursday at the other with sessions at 12:00 noon and 7:00 p.m.

The ancillary courts would only handle pleas, collections, driving school referrals and resets, all requests for trial would be reset and referred to downtown.

IMPLEMENTATION

Though much of the jurisdictional sections of *Article 35 of the Charter of the City of Memphis* have been rendered void, and all of *Article 36*, I am not making any suggestions one way or another on complete revision. However, in order to implement the suggestions herein these are the minimal changes, in my opinion, that would be necessary.

Sec. 253 would require the addition of two (or three) additional judgeships. I would also suggest the modification of Section 253.4 to allow the Judges to select among themselves their administrative judge as is done in all the other courts.

Finally, Section 255 should be modified to allow Municipal Judges to serve on a part time basis, with their primary time and attention to the duties of their office, as is being done in all but five of the 250 municipal courts in Tennessee.

I hope you each review the ideas critically and objectively, and bring suggestions from your various disciplines and departments to this proposal. Then we can submit a comprehensive report for changes to the Charter Commission.

Respectfully submitted,



Tarik B. Sugarmon
City Court Division II